

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

RICHARD LEROY BILTON,

Plaintiff,

v.

Civ. No. 16-109 GJF

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,

Defendant.


ORDER

THIS MATTER came before the Court on Plaintiff's "Second Motion for Order Authorizing Attorney Fees Pursuant to 42 U.S.C. § 406(b)" ("Motion") [ECF No. 43]. The Court considered the parties' submissions, examined the applicable law, and entertained extensive oral argument on the motion on November 16, 2018. At the conclusion of the hearing, the Court announced its ruling on the Motion.

IT IS THEREFORE ORDERED that Plaintiff's Motion is **GRANTED** in full for the reasons stated on the record.

IT IS FURTHER ORDERED that, in accordance with *Gisbrecht v. Barnhart*, 535 F.3d 789, 796 (2002), Michael Armstrong, Esq., shall refund to Plaintiff the fees previously awarded under the Equal Access to Justice Act in this Court's Order Granting Attorney Fees [ECF No. 40].¹

IT IS SO ORDERED.


THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent

¹ Mr. Armstrong was awarded \$6,500.00 in EAJA fees.